S.B.Cr.Misc. Transfer Petition No.01/2007
(Vikram vs. State of Rajasthan & Anr.)

Date of order : August 22, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Y.R.Sonel, for the petitioner.
Mr.Ashok Upadhyaya, P.P. for the State.
Mr.D.D.Chitlangi, for the respondent No.2.

By the instant criminal misc. transfer petition under section 407 Cr.P.C., the petitioner seeks transfer of Cr.Case No.450/2006, State vs. Vikram pending trial in the Court of Judicial Magistrate, Nokha, Distt. Bikaner (for short `the trial court' hereinafter) from trial court to any Court at Jodhpur or Nagaur.

I have heard learned counsel for the petitioner, Public Prosecutor and the counsel for the complainant-respondent No.2.

It is contended by the learned counsel for the petitioner that the complainant in the instant case is a practicing Advocate at Nokha and entire Bar has filed power against the petitioner before the trial court and no Advocate is prepared to plead and defend the case of the petitioner.

Learned counsel for the respondent No.2 has placed on record Vakalatnamas filed before the trial court on behalf of the petitioner. As many as four powers have been filed on behalf of the petitioner before the trial court and thus, the petitioner is being represented by number of the advocates as evident from the Vakalatnamas, certified copy of which have been placed on record. Even from the Vakalatnamas filed on behalf of complainant No.2, it appears that powers have been filed by Panna Lal Sancheti and Bar Member Gopal Gaur. Though it is clear that there are signatures of 10-15 persons, even otherwise as reported that there are 60 persons in Bar at Nokha and there are number of advocates, who are prepared to plead and defend the case of the petitioner, which is evident that Advocate Shakir Mohammed, Ajiz Ahmed, Gopal Ram Godara and Om Prakash Mundel etc. have filed the power on behalf of the petitioner.In the circumstances, therefore, in my view, it cannot be accepted that there is no advocate to defend the case of the petitioner in the trial court.

The transfer petition is, therefore, dismissed.

(H.R.PANWAR),J.

m.asif/-